101-596

GREAT LAKES CRITICAL PROGRAMS ACT OF 1990

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Public Law 101-596
101st Congress

An Act

Nov. 16, 1990
[H.R. 4323]

To amend the Federal Water Pollution Control Act relating to water quality in the Great Lakes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Great Lakes Critical Programs Act of 1990
Water pollution control
Natural resources

SHORT TITLE

SECTION 1. This Act may be cited as the "Great Lakes Critical Programs Act of 1990".

33 USC 1251 note

TITLE I—GREAT LAKES

GREAT LAKES ACTION SCHEDULES

SEC. 101. Section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended by inserting immediately after subsection (c)(1) the following new paragraphs, and by renumbering the existing paragraphs accordingly:

"(2) GREAT LAKES WATER QUALITY GUIDANCE.—

Federal Register, publication.

"(A) By June 30, 1991, the Administrator, after consultation with the Program Office, shall publish in the Federal Register for public notice and comment proposed water quality guidance for the Great Lakes System. Such guidance shall conform with the objectives and provisions of the Great Lakes Water Quality Agreement, shall be no less restrictive than the provisions of this Act and national water quality criteria and guidance, shall specify numerical limits on pollutants in ambient Great Lakes waters to protect human health, aquatic life, and wildlife, and shall provide guidance to the Great Lakes States on minimum water quality standards, antidegradation policies, and implementation procedures for the Great Lakes System.

Federal Register, publication.

"(B) By June 30, 1992, the Administrator, in consultation with the Program Office, shall publish in the Federal Register, pursuant to this section and the Administrator's authority under this chapter, final water quality guidance for the Great Lakes System.

"(C) Within two years after such Great Lakes guidance is published, the Great Lakes States shall adopt water quality standards, antidegradation policies, and implementation procedures for waters within the Great Lakes System which are consistent with such guidance. If a Great Lakes State fails to adopt such standards, policies, and procedures, the Administrator shall promulgate them not later than the end of such two-year period. When reviewing any Great Lakes State's water quality plan, the agency shall consider the extent to which the State has complied with the Great Lakes guidance issued pursuant to this section.

"(3) REMEDIAL ACTION PLANS.—

"(A) For each area of concern for which the United States has agreed to draft a Remedial Action Plan, the Program Office shall ensure that the Great Lakes State in which such area of concern is located—

"(i) submits a Remedial Action Plan to the Program Office by June 30, 1991;

"(ii) submits such Remedial Action Plan to the International Joint Commission by January 1, 1992; and

"(iii) includes such Remedial Action Plans within the State's water quality plan by January 1, 1993.

"(B) For each area of concern for which Canada has agreed to draft a Remedial Action Plan, the Program Office shall, pursuant to subparagraph (c)(1)(C) of this section, work with Canada to assure the submission of such Remedial Action Plans to the International Joint Commission by June 30, 1991, and to finalize such Remedial Action Plans by January 1, 1993. Canada.

"(C) For any area of concern designated as such subsequent to the enactment of this Act, the Program Office shall (i) if the United States has agreed to draft the Remedial Action Plan, ensure that the Great Lakes State in which such area of concern is located submits such Plan to the Program Office within two years of the area's designation, submits it to the International Joint Commission no later than six months after submitting it to the Program Office, and includes such Plan in the State's water quality plan no later than one year after submitting it to the Commission; and (ii) if Canada has agreed to draft the Remedial Action Plan, work with Canada, pursuant to subparagraph (c)(1)(C) of this section, to ensure the submission of such Plan to the International Joint Commission within two years of the area's designation and the finalization of such Plan no later than eighteen months after submitting it to such Commission.

"(D) The Program Office shall compile formal comments on individual Remedial Action Plans made by the International Joint Commission pursuant to section 4(d) of Annex 2 of the Great Lakes Water Quality Agreement and, upon request by a member of the public, shall make such comments available for inspection and copying. The Program Office shall also make available, upon request, formal comments made by the Environmental Protection Agency on individual Remedial Action Plans. Public information.

"(4) LAKEWIDE MANAGEMENT PLANS.—The Administrator, in consultation with the Program Office shall—

"(A) by January 1, 1992, publish in the Federal Register a proposed Lakewide Management Plan for Lake Michigan and solicit public comments; Federal Register, publication.

"(B) by January 1, 1993, submit a proposed Lakewide Management Plan for Lake Michigan to the International Joint Commission for review; and

"(C) by January 1, 1994, publish in the Federal Register a final Lakewide Management Plan for Lake Michigan and begin implementation. Federal Register, publication.

Nothing in this subparagraph shall preclude the simultaneous development of Lakewide Management Plans for the other Great Lakes.

"(5) SPILLS OF OIL AND HAZARDOUS MATERIALS.—The Program Office, in consultation with the Coast Guard, shall identify areas within the Great Lakes which are likely to experience numerous or voluminous spills of oil or other hazardous materials from land based facilities, vessels, or other sources and, in consultation with the Great Lakes States, shall identify weaknesses in Federal and State programs and systems to prevent and respond to such spills. This information shall be included on at least a biennial basis in the report required by this section."

CONTAMINATED SEDIMENTS

SEC. 102. Section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(3)), as renumbered by section 101 of this title, is amended by—

(1) inserting "(A)" following the title; and

(2) by adding the following new subsections:

"(B) The Program Office shall—

"(i) by December 31, 1990, complete chemical, physical, and biological assessments of the contaminated sediments at the locations selected for the study and demonstration projects;

"(ii) by December 31, 1990, announce the technologies that will be demonstrated at each location and the numerical standard of protection intended to be achieved at each location;

"(iii) by December 31, 1992, complete full or pilot scale demonstration projects on site at each location of promising technologies to remedy contaminated sediments; and

Reports.

"(iv) by December 31, 1993, issue a final report to Congress on its findings.

"(C) The Administrator, after providing for public review and comment, shall publish information concerning the public health and environmental consequences of contaminants in Great Lakes sediment. Information published pursuant to this subparagraph shall include specific numerical limits to protect health, aquatic life, and wildlife from the bioaccumulation of toxins. The Administrator shall, at a minimum, publish information pursuant to this subparagraph within 2 years of the date of the enactment of this title."

DEFINITIONS

SEC. 103. Section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)) is amended by deleting "and" at the end of clause (D), by deleting the period at the end of clause (E), and inserting in lieu thereof a semicolon; and by adding at the end thereof the following:

"(F) 'area of concern' means a geographic area located within the Great Lakes, in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the Great Lakes Water Quality Agreement;

"(G) 'Great Lakes States' means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

"(H) 'Great Lakes Water Quality Agreement' means the bilateral agreement, between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987.

"(I) 'Lakewide Management Plan' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of the open waters of each of the Great Lakes, in accordance with article VI and Annex 2 of the Great Lakes Water Quality Agreement; and

"(J) 'Remedial Action Plan' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of areas of concern, in accordance with article VI and Annex 2 of the Great Lakes Water Quality Agreement.".

GREAT LAKES CONFINED DISPOSAL FACILITIES

SEC. 104. At the end of section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) add the following new paragraph:

"(11) CONFINED DISPOSAL FACILITIES.—(A) The Administrator, in consultation with the Assistant Secretary of the Army for Civil Works, shall develop and implement, within one year of the date of enactment of this paragraph, management plans for every Great Lakes confined disposal facility.

"(B) The plan shall provide for monitoring of such facilities, including—

"(i) water quality at the site and in the area of the site;

"(ii) sediment quality at the site and in the area of the site;

"(iii) the diversity, productivity, and stability of aquatic organisms at the site and in the area of the site; and

"(iv) such other conditions as the Administrator deems appropriate.

"(C) The plan shall identify the anticipated use and management of the site over the following twenty-year period including the expected termination of dumping at the site, the anticipated need for site management, including pollution control, following the termination of the use of the site.

"(D) The plan shall identify a schedule for review and revision of the plan which shall not be less frequent than five years after adoption of the plan and every five years thereafter."

GREAT LAKES NATIONAL PROGRAM AUTHORIZATION

SEC. 105. (a) AUTHORIZATION.—Section 118(h) of the Federal Water Pollution Control Act (33 U.S.C. 1268(h)) is amended by deleting "1990, and 1991" and inserting in lieu thereof "and 1990, and $25,000,000 for fiscal year 1991".

(b) ALLOCATION.—Section 118(h) of the Federal Water Pollution Control Act (33 U.S.C. 1268(h)) is amended by adding after "30 percent" the following: "or $3,300,000, whichever is the lesser,"

HEALTH RESEARCH REPORT

SEC. 106. Subsection 118(e) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph—

33 USC 1268.

"(3) HEALTH RESEARCH REPORT.—(A) Not later than September 30, 1994, the Program Office, in consultation with the Research Office, the Agency for Toxic Substances and Disease Registry, and Great Lakes States shall submit to the Congress a report assessing the adverse effects of water pollutants in the Great Lakes System on the health of persons in Great Lakes States and the health of fish, shellfish, and wildlife in the Great Lakes System. In conducting research in support of this report, the Administrator may, where appropriate, provide for research to be conducted under cooperative agreements with Great Lakes States.

"(B) There is authorized to be appropriated to the Administrator to carry out this section not to exceed $3,000,000 for each of fiscal years 1992, 1993, and 1994.".

TITLE II—LONG ISLAND SOUND

SHORT TITLE

Long Island Sound Improvement Act of 1990.

SEC. 201. This part may be cited as the "Long Island Sound Improvement Act of 1990".

33 USC 1251 note.

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 202. Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

33 USC 1269.

"SEC. 119. LONG ISLAND SOUND.—(a) The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the "Conference") as established pursuant to section 320 of this Act, and shall establish an office (hereinafter referred to as the "Office") to be located on or near Long Island Sound.

"(b) ADMINISTRATION AND STAFFING OF OFFICE.—The Office shall be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

"(c) DUTIES OF THE OFFICE.—The Office shall assist the Management Conference of the Long Island Sound Study in carrying out its goals. Specifically, the Office shall—

"(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 320 of this Act;

"(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to—

"(A) population growth and the adequacy of wastewater treatment facilities,

"(B) the use of biological methods for nutrient removal in sewage treatment plants,

"(C) contaminated sediments, and dredging activities,

"(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed,

"(E) wetland protection and restoration,

"(F) atmospheric deposition of acidic and other pollutants into Long Island Sound,

"(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality,

"(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan, and

"(I) options for long-term financing of wastewater treatment projects and water pollution control programs.

"(3) coordinate the grant, research and planning programs authorized under this section;

"(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine monitoring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act;

"(5) provide administrative and technical support to the conference;

"(6) collect and make available to the public publications, and other forms of information the conference determines to be appropriate, relating to the environmental quality of Long Island Sound;

"(7) not more than two years after the date of the issuance of the final Comprehensive Conservation and Management Plan for Long Island Sound under section 320 of this Act, and biennially thereafter, issue a report to the Congress which— Reports.

"(A) summarizes the progress made by the States in implementing the Comprehensive Conservation and Management Plan;

"(B) summarizes any modifications to the Comprehensive Conservation and Management Plan in the twelve-month period immediately preceding such report; and

"(C) incorporates specific recommendations concerning the implementation of the Comprehensive Conservation and Management Plan; and

"(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

"(d) GRANTS.—(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall be given to implementation, research and planning, enforcement, and citizen involvement and education.

"(2) State, interstate, and regional water pollution control agencies, and other public or nonprofit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

"(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed 50 per

centum of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

"(e) AUTHORIZATIONS.—(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d), such sums as may be necessary for each of the fiscal years 1991 through 1996.

"(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) not to exceed $3,000,000 for each of the fiscal years 1991 through 1996."

RELATIONSHIP TO OTHER LAWS

SEC. 203. Amend subsection 116(g) of the Marine Protection Research and Sanctuaries Act (33 U.S.C. 1416(g)) by striking all after "shall comply with" and inserting in lieu thereof the following "the requirements of this title."

TITLE III—LAKE CHAMPLAIN

Lake Champlain Special Designation Act of 1990. New York. Vermont. 33 USC 1251 note.

SHORT TITLE

SEC. 301. This title may be cited as the "Lake Champlain Special Designation Act of 1990".

DEMONSTRATION PROGRAM

SEC. 302. Paragraph (2) of section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended by inserting "Lake Champlain, New York and Vermont;" before "Lake Houston, Texas".

LAKE CHAMPLAIN MANAGEMENT CONFERENCE

SEC. 303. Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end thereof the following new section—

"LAKE CHAMPLAIN MANAGEMENT CONFERENCE

33 USC 1270.

"SEC. 120. (a) ESTABLISHMENT.—There is established a Lake Champlain Management Conference to develop a comprehensive pollution prevention, control, and restoration plan for Lake Champlain. The Administrator shall convene the management conference within ninety days of the date of enactment of this section.

"(b) MEMBERSHIP.—The Members of the Management Conference shall be comprised of—

"(1) the Governors of the States of Vermont and New York;

"(2) each interested Federal agency, not to exceed a total of five members;

"(3) the Vermont and New York Chairpersons of the Vermont, New York, Quebec Citizens Advisory Committee for the Environmental Management of Lake Champlain;

"(4) four representatives of the State legislature of Vermont;

"(5) four representatives of the State legislature of New York;

"(6) six persons representing local governments having jurisdiction over any land or water within the Lake Champlain basin, as determined appropriate by the Governors; and

"(7) eight persons representing affected industries, non-governmental organizations, public and private educational institutions, and the general public, as determined appropriate by the trigovernmental Citizens Advisory Committee for the Environmental Management of Lake Champlain, but not to be current members of the Citizens Advisory Committee.

"(c) TECHNICAL ADVISORY COMMITTEE.—(1) The Management Conference shall, not later than one hundred and twenty days after the date of enactment of this section, appoint a Technical Advisory Committee.

"(2) Such Technical Advisory Committee shall consist of officials of appropriate departments and agencies of the Federal Government, the State governments of New York and Vermont, and governments of political subdivisions of such States; and public and private research institutions.

"(d) RESEARCH PROGRAM.—(1) The Management Conference shall establish a multi-disciplinary environmental research program for Lake Champlain. Such research program shall be planned and conducted jointly with the Lake Champlain Research Consortium.

"(e) POLLUTION PREVENTION, CONTROL, AND RESTORATION PLAN.—(1) Not later than three years after the date of the enactment of this section, the Management Conference shall publish a pollution prevention, control, and restoration plan (hereafter in this section referred to as the 'Plan') for Lake Champlain.

"(2) The Plan developed pursuant to this section shall—

"(A) identify corrective actions and compliance schedules addressing point and nonpoint sources of poilution necessary to restore and maintain the chemical, physical, and biological integrity of water quality, a balanced, indigenous population of shellfish, fish and wildlife, recreational, and economic activities in and on the lake;

"(B) incorporate environmental management concepts and programs established in State and Federal plans and programs in effect at the time of the development of such plan;

"(C) clarify the duties of Federal and State agencies in pollution prevention and control activities, and to the extent allowable by law, suggest a timetable for adoption by the appropriate Federal and State agencies to accomplish such duties within a reasonable period of time;

"(D) describe the methods and schedules for funding of programs, activities, and projects identified in the Plan, including the use of Federal funds and other sources of funds; and

"(E) include a strategy for pollution prevention and control that includes the promotion of pollution prevention and management practices to reduce the amount of pollution generated in the Lake Champlain basin.

"(3) The Administrator, in cooperation with the Management Conference, shall provide for public review and comment on the draft Plan. At a minimum, the Management Conference shall conduct one public meeting to hear comments on the draft plan in the State of New York and one such meeting in the State of Vermont.

"(4) Not less than one hundred and twenty days after the publication of the Plan required pursuant to this section, the Administrator shall approve such plan if the plan meets the requirements of this section and the Governors of the States of New York and Vermont concur.

"(5) Upon approval of the plan, such plan shall be deemed to be an approved management program for the purposes of section 319(h) of this Act and such plan shall be deemed to be an approved comprehensive conservation and management plan pursuant to section 320 of this Act.

"(f) GRANT ASSISTANCE.—(1) The Administrator may, in consultation with the Management Conference, make grants to State, interstate, and regional water pollution control agencies, and public or nonprofit agencies, institutions, and organizations.

"(2) Grants under this subsection shall be made for assisting research, surveys, studies, and modeling and technical and supporting work necessary for the development of the Plan and for retaining expert consultants in support of litigation undertaken by the State of New York and the State of Vermont to compel cleanup or obtain cleanup damage costs from persons responsible for pollution of Lake Champlain.

"(3) The amount of grants to any person under this subsection for a fiscal year shall not exceed 75 per centum of the costs of such research, survey, study and work and shall be made available on the condition that non-Federal share of such costs are provided from non-Federal sources.

"(4) The Administrator may establish such requirements for the administration of grants as he determines to be appropriate.

"(g) DEFINITION.—For the purposes of this section, the term 'Lake Champlain drainage basin' means all or part of Clinton, Franklin, Warren, Essex, and Washington counties in the State of New York and all or part of Franklin, Grand Isle, Chittenden, Addison, Rutland, Lamoille, Orange, Washington, Orleans, and Caledonia counties in Vermont, that contain all of the streams, rivers, lakes, and other bodies of water, including wetlands, that drain into Lake Champlain.

"(h) STATUTORY INTERPRETATION.—Nothing in this section shall be construed so as to affect the jurisdiction or powers of—

"(1) any department or agency of the Federal Government or any State government; or

"(2) any international organization or entity related to Lake Champlain created by treaty or memorandum to which the United States is a signatory.

"(i) AUTHORIZATION.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this section $2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995."

FEDERAL PROGRAM COORDINATION

33 USC 1270 note

SEC. 304. (a) DESIGNATION OF LAKE CHAMPLAIN AS A SPECIAL PROJECT AREA UNDER THE AGRICULTURAL CONSERVATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Lake Champlain basin, as defined under section 1296(h) of the Federal Water Pollution Control Act, shall be designated by the Secretary of Agriculture as a special project area under the Agricultural Conservation Program established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) TECHNICAL ASSISTANCE REIMBURSEMENT.—To carry out the purposes of this subsection, the technical assistance reimbursement from the Agricultural Stabilization and Conservation

Service authorized under the Soil Conservation and Domestic Allotment Act, shall be increased from 5 per centum to 10 per centum.

(3) COMPREHENSIVE AGRICULTURAL MONITORING.—The Secretary, in consultation with the Management Conference and appropriate State and Federal agencies, shall develop a comprehensive agricultural monitoring and evaluation network for all major drainages within the Lake Champlain basin.

(4) ALLOCATION OF FUNDS.—In allocating funds under this subsection, the Secretary of Agriculture shall consult with the Management Conference established under section 120 of the Federal Water Pollution Control Act and to the extent allowable by law, allocate funds to those agricultural enterprises located at sites that the Management Conference determines to be priority sites, on the basis of a concern for ensuring implementation of nonpoint source pollution controls throughout the Lake Champlain basin.

(b) COOPERATION OF THE UNITED STATES GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR.—For the purpose of enhancing and expanding basic data collection and monitoring in operation in the Lake Champlain basin, as defined under section 120 of the Federal Water Pollution Control Act, the Secretary of the Interior, acting through the heads of water resources divisions of the New York and New England districts of the United States Geological Survey, shall—

(1) in cooperation with appropriate universities and private research institutions, and the appropriate officials of the appropriate departments and agencies of the States of New York and Vermont, develop an integrated geographic information system of the Lake Champlain basin;

(2) convert all partial recording sites in the Lake Champlain basin to continuous monitoring stations with full gauging capabilities and status; and

(3) establish such additional continuous monitoring station sites in the Lake Champlain basin as are necessary to carry out basic data collection and monitoring, as defined by the Secretary of the Interior, including groundwater mapping, and water quality and sediment data collection.

(c) COOPERATION OF THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE DEPARTMENT OF THE INTERIOR.—

(1) RESOURCE CONSERVATION PROGRAM.—The Secretary of the Interior, acting through the United States Fish and Wildlife Service, in cooperation with the Lake Champlain Fish and Wildlife Management Cooperative and the Management Conference established pursuant to this subsection shall—

(A) establish and implement a fisheries resources restoration, development and conservation program, including dedicating a level of hatchery production within the Lake Champlain basin at or above the level that existed immediately preceding the date of enactment of this Act; and

(B) conduct a wildlife species and habitat assessment survey in the Lake Champlain basin, including—

(i) a survey of Federal threatened and endangered species, listed or proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), New York State and State of Vermont threatened and endangered species and other species of special con-

cern, migratory nongame species of management concern, and national resources plan species;

(ii) a survey of wildlife habitats such as islands, wetlands, and riparian areas; and

(iii) a survey of migratory bird populations breeding, migrating and wintering within the Lake Champlain basin.

(2) To accomplish the purposes of paragraph (1), the Director of the United States Fish and Wildlife Service is authorized to carry out activities related to—

(A) controlling sea lampreys and other nonindigenous aquatic animal nuisances;

(B) improving the health of fishery resources;

(C) conducting investigations about and assessing the status of fishery resources, and disseminating that information to all interested parties; and

(D) conducting and periodically updating a survey of the fishery resources and their habitats and food chains in the Lake Champlain basin.

(d) AUTHORIZATIONS.—(1) There is authorized to be appropriated to the Department of Agriculture $2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsection (a) of this section.

(2) There is authorized to be appropriated to the Department of Interior $1,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsections (b) and (c) of this section.

New York

TITLE IV—ONONDAGA LAKE

SEC. 401. ONONDAGA LAKE. (a) The Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, and the Governor of the State of New York, acting jointly, shall convene a management conference for the restoration, conservation, and management of Onondaga Lake. The purpose of this management conference shall include but not be limited to—

(1) the development, within a two-year period following the date of the enactment of this Act, of a comprehensive restoration, conservation, and management plan for Onondaga Lake that recommends priority corrective actions and compliance schedules for the cleanup of such Lake; and

(2) the coordination of the implementation of such plan by the State of New York, the United States Army Corps of Engineers, the Environmental Protection Agency and all local agencies, governments, and other groups participating in such management conference.

(b)(1) The members of the management conference convened pursuant to subsection (a) shall include, at a minimum, the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Governor of the State of New York, and representatives of—

(A) the Attorney General of the State of New York;

(B) Onondaga County, New York; and

(C) The city of Syracuse, New York.

(2) Any member of the management conference may designate a representative to attend meetings of the management conference

and otherwise represent such member on the management conference.

(3) The management conference shall have ex officio members which shall include, at a minimum—

(A) the United States Senators from the State of New York; and

(B) the Member(s) of the United States House of Representatives within whose congressional district(s) lies Onondaga Lake.

(4) The management conference shall have standing committees which shall include, at a minimum—

(A) a Citizens Advisory Committee; and

(B) a Technical Review Committee.

(c)(1) Not later than one hundred and twenty days after the completion of the plan developed pursuant to subsection (a), and after providing for public review and comment, the Assistant Secretary of the Army for Civil Works and the Administrator of the Environmental Protection Agency shall approve such plan if such plan meets the requirements of this section, and if the Governor of the State of New York concurs in such approval.

(2) Upon approval of the plan under this subsection, such plan shall be implemented.

(d)(1) The Assistant Secretary of the Army for Civil Works and the Administrator of the Environmental Protection Agency are authorized to make grants to the State of New York to perform activities authorized under this section or to contract for such performance, provided that such grants shall not exceed 70 per centum of the costs of such activities and that the non-Federal share of such costs are provided from non-Federal sources. Administrative services for the development and implementation of the plan approved pursuant to subsection (a) shall be provided by a not-for-profit corporation established for the purpose of assisting with the planning and coordination of the cleanup of Onondaga Lake.

(2) To carry out this section, the Governor of the State of New York may, using funds provided pursuant to paragraph (1), make grants for—

(A) research, surveys, administrative services and studies approved by the management conference as necessary for the development of the plan under this section;

(B) other activities including administrative services that are approved by the management conference and are necessary to implement the plan approved by the management conference pursuant to subsection (a); and

(C) gathering data and retaining expert consultants in support of litigation undertaken by the State of New York to compel cleanup or obtain cleanup and damage costs from parties responsible for the pollution of Onondaga Lake, including administrative services.

(3) In-kind payments shall qualify for the purpose of meeting the total non-Federal matching requirements of this subsection.

(e) There are authorized to be appropriated to the Assistant Secretary of the Army for Civil Works and the Administrator of the

Appropriation authorization

Environmental Protection Agency such sums as may be necessary to carry out this section.

(f) Grants made under this section are not intended to relieve any person who would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief or any other relief, from liability for such relief.

Approved November 16, 1990.

LEGISLATIVE HISTORY—H.R. 4323:

HOUSE REPORTS: No. 101-704 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Sept. 24, considered and passed House.
Oct. 17, considered and passed Senate, amended.
Oct. 27, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
Nov. 16, Presidential remarks and statement.

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